

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CASE NO. 2:06-cr-223-MEF
)	(WO)
ADAM LAMAR ROBINSON)	
KAREN KILGO ROBINSON)	

ORDER

On June 18, 2007, the defendant Adam Lamar Robinson filed a Motion for A Continuance (Doc. #99) and co-defendant Karen Kilgo Robinson filed a response to the motion on June 25, 2007 (Doc. #101). While the granting of a continuance is left to the sound discretion of the trial judge, *United States v. Warren*, 772 F.2d 827, 837 (11th Cir. 1985), the court is, of course, limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Speedy Trial Act provides generally that the trial of a defendant in a criminal case shall commence within 70 days of the latter of the filing date of the indictment or the date the defendant appeared before a judicial officer in such matter. 18 U.S.C. §3161(c)(1). *See United States v. Vasser*, 916 F.2d 624 (11th Cir. 1990).

The Act excludes from this 70 day period any continuance that the judge grants "on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(8)(A).

The motion states that defense counsel for Adam Lamar Robinson was recently assigned to this case and needs additional time to prepare the case. Counsel for the

government and co-defendant do not oppose a continuance. Consequently, the court concludes that a continuance of this case is warranted and that the ends of justice served by continuing this case outweighs the best interest of the public and the defendant in a speedy trial. *See United States v. Davenport*, 935 F.2d 1223, 1235 (11th Cir. 1991)(reasonable time necessary for effective preparation is a significant factor for granting a continuance under the Speedy Trial Act).

Accordingly, it is hereby ORDERED:

1. That the defendant's motion filed on June 18, 2007 is GRANTED;
2. That the trial of this case is continued from the July 9, 2007 trial term to the October 15, 2007 trial term.
3. That the Magistrate Judge conduct a pretrial conference prior to the October 15, 2007 trial term.

DONE this the 25th day of June, 2007.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE